

Appl. No. 10/578,025  
Amdt. Dated April 14, 2010  
Reply to Office Action of January 14, 2010

Attorney Docket No. 81880.0145  
Customer No.: 26021

REMARKS/ARGUMENTS:

Minor changes are made to this specification. Claims 21-24, 32, 36, and 37 are canceled without prejudice. Claims 25, 28, 33-35, and 38-40 are amended. Claims 25-31, 33-35, and 38-40 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

SPECIFICATION:

The disclosure is objected to because of the following informalities: the term "atomic rate Titanium/Magnesium of titanium oxide and magnesium oxide" is not clear. It is possible that the term should read "atomic **ratio**". In response, Applicant amended the specification in the manner suggested by the Office. Withdrawal of this objection is thus respectfully requested.

CLAIM OBJECTIONS:

Claim 39-40 are objected to because of the following informalities: the method claims depend from claim 28, which is a product claim. The claims should properly depend from the method claim 38. In response, Applicant amended claims 39 and 40 in the manner suggested by the Office. Withdrawal of this objection is thus respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 112:

Claims 21-40 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is moot with respect to claims 21-24, 32, 36, and 37 due to the cancellation of these claims.

Applicant respectfully traverses this rejection as to amended claims 25-31, 33-35, and 38-40. The Office states,

“Claims 21 and 38 recite the limitation ‘contains a metal phase such as molybdenum, tungsten or a mixture of molybdenum and tungsten or metal oxide phase such as strontium oxide or yttrium oxide’. This limitation is indefinite because it is not clear if the metal or metal oxide contained is necessarily one from the lists following, or simply one that is similar to those given. A clearer wording would recite that the metal phase or metal oxide is one ‘selected from the group consisting of...’ followed by the specific metals and oxides given in the claims.”

and

“Claim 28 is indefinite because the term ‘atomic rate Titanium/Magnesium of titanium oxide and magnesium oxide’ is not clear. It is possible that the term should read ‘atomic ratio.’”

In response, Applicant amended claims 38 and 28 in the manner suggested by the Office. Withdrawal of this rejection is thus respectfully requested.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102:

Claims 21 and 24 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Yoshida et al. (JP2000-191372-A).

CLAIM REJECTIONS UNDER 35 U.S.C. § 103:

Claims 21-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamazaki et al. (U.S. Patent No. 5,525,560) in view of Yoshida.

Claims 21, 32, 36, and 37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Koyama et al. (U.S. Patent No. 5,686,366) in view of Cales et al. (U.S. Patent Application Publication No. 2002/0010070).

The above rejections are moot due to the cancellation of claims 21-24, 32, 36, and 37.

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DOUBLE PATENTING REJECTIONS:

Claims 21, 25-34, and 36 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 7,148,167. This rejection is moot with respect to claims 21, 32, and 36 due to the cancellation of these claims. In response to the rejection of claims 25-31, 33, and 34, Applicant files concurrently herewith a terminal disclaimer in compliance with 37 C.F.R. 1.321(c). Withdrawal of this rejection is thus respectfully requested.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310)785-4600 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,  
HOGAN & HARTSON L.L.P.

Date: April 14, 2010

By: 

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